

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

MAR 25 2008

JOHN F. CORCORAN, CLERK  
BY: HMcDonald  
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United States of America )

Kita Swandi Smith )

v. )

Case No: 7:03CR00035-001

USM No: 09777-084

Date of Previous Judgment: October 29, 2003

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 235\* months is reduced to 214 months\*.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29  
Criminal History Category: VI  
Previous Guideline Range: 151 to 188 months

Amended Offense Level: 27  
Criminal History Category: VI  
Amended Guideline Range: 130 to 162 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain):

## III. ADDITIONAL COMMENTS

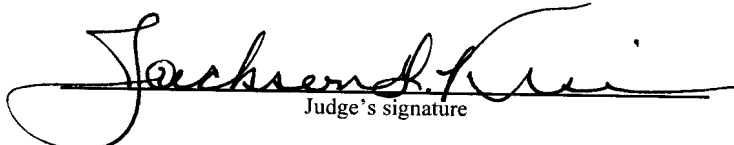
\* Defendant's total sentence includes 84 months on the 924(c) count.

Except as provided above, all provisions of the judgment dated 10/29/2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: 3-25-08

Effective Date: 3/3/08 4-7-08  
(if different from order date)

  
Judge's signature

Jackson Kiser, Senior United States District Judge  
Printed name and title